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**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

ANNA SZYMCAK and CARYL CLEMENT,

Plaintiff,

v.

OHIO CASUALTY GROUP/WEST AMERICAN  
INSURANCE COMPANY,

Defendant.

No.: 07 C 6338

Judge: Joan H. Lefkow

Magistrate Judge Valdez

**~~PROPOSED~~  
PROTECTIVE ORDER GOVERNING DISCLOSURE OF CONFIDENTIAL  
INFORMATION PURSUANT TO JUNE 18, 2008 ORDER**

On June 18, 2008, the Court ordered the disclosure of all materials generated in the examination of Anna Szymczak by Doctor Sivan, including the testing scores and raw data ("Sivan Information"). Pursuant to the Court's June 18, 2008 Order and Fed. R. Civ. P. 26(c)(7), the Court enters the following Protective Order regarding disclosure of the Sivan Information:

1. The Sivan Information is Confidential and may be disclosed only to the individuals set forth below and may be used by those individuals only in connection with preparation of this case:

- (a) Counsel for the plaintiffs and defendant;
- (b) Arbitrators in the underinsured arbitration underlying this Action who have signed Appendix A; and
- (c) Any consulting or testifying mental health professionals retained by defendant or plaintiffs to assist in preparation of this Action and who has signed Appendix A.

The Sivan Information may not be disclosed to the parties.

2. Any reference to the Sivan Information in a deposition or at an arbitration hearing will be treated the same as the documents containing the Sivan Information under this Order.


3. The Sivan Information shall **NOT** be filed with <sup>out leave of</sup> any Court. Any party wishing to file or submit the Sivan Information to a Court must move the Court for leave to file or submit into evidence the Sivan Information under seal. If granted leave to file the Sivan Information under seal, the submitting party must file a redacted copy of the Sivan Information with the Clerk of Court for the record.

4. The issue of how any Sivan Information may be used at trial in this matter is specifically reserved and will be addressed at a later date.

5. Within 30 days after termination of this Action (including the resolution of all appeals, if any), all persons having received Sivan Information must either make a good faith effort to return such material and all copies thereof to Dr. Sivan or destroy all such material and certify that fact in writing to the Opposing Party.

**SO ORDERED:**

Date: JUL 01 2008

  
United States District Court  
JUL 01 2008

**APPENDIX A**

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

ANNA SZYMCZAK and CARYL CLEMENT, )

Plaintiff, )

v. )

OHIO CASUALTY GROUP/WEST AMERICAN )  
INSURANCE COMPANY, )

Defendant. )

No.: 07 C 6338

Judge: Joan H. Lefkow

Magistrate Judge Valdez

**AGREEMENT CONCERNING SIVAN INFORMATION**

I, \_\_\_\_\_, acting as \_\_\_\_\_ hereby certify that:

1. I have read the Protective Order entered in the above-captioned action, and understand its terms.

2. I agree to be bound by the terms of the Protective Order entered in the above-captioned action. I agree to use the information provided to me only for the purpose of this litigation.

3. I understand that my failure to abide by the terms of the Protective Order entered in the above-captioned action will subject me, without limitation, to civil and criminal penalties for contempt of Court.

5. I make this certificate this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
(SIGNATURE)

**PROOF OF SERVICE**

I, Christina D. Harrison, an attorney, certify that on June 25, 2008, the above Proposed Protective Order was submitted electronically to Judge Lefkow at Proposed\_Order\_Lefkow@ilnd.uscourts.gov with a copy sent electronically to:  
info@curcio-law.com  
kmillan@curcio-law.com

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Counsel for Plaintiffs  
Anna Szymczak and Caryl Clement

By: /s/ Christina D. Harrison